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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,774	10/13/2000	Daniel Garfinkel	4079.03US1	1066

27479 7590 07/08/2004

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/08/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,774

Applicant(s)

GARFINKEL ET AL.

Examiner

Matthew J. Ludwig

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment A filed 4/13/04.
2. Claims 1-20 are pending in the case. Claims 1, 5, and 13, are independent claims.
3. The rejections of claims 1-3, 5-10, and 13-18, under 35 U.S.C. 103(a) as being unpatentable over Lui have been withdrawn as necessitated by the amendment. The rejections of claims 4, 11, 12, 19, and 20 under 35 U.S.C. 103(a) as being unpatentable over Lui in view of Zhu have been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar et al., 6,342,906 filed (2/2/99).

In reference to independent claim 1, Kumar teaches:

The data in the shared workspace can be anything; e.g., a spreadsheet, an image, a simple text file, a text document, a drawing, a project schedule, a three dimensional view, or any custom data (compare to "*a note creation module which captures an electronic note associated with a change in a three dimensional model of said CAD application*"). See column 3, lines 45-50. The workspace taught by Kumar provides a reasonable suggestion of a creation module, which captures various forms of data for display to multiple users in a collaborative environment. When the user is in edit mode, a change made to a three dimensional figure in a collaborative

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environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

The reference does not explicitly disclose a CAD application; however, the three-dimensional view and the drawings that are provided as examples by the primary reference, suggest similar features of CAD applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaborative techniques taught by Kumar and utilized the three-dimensional views to provide CAD applications within the view for modifications and giving the user the added benefit of CAD design tools.

After entering the edit mode, the user's input is handled directly by the application itself. Upon pressing an appropriate icon, the depressing suggests a retrieval mode as the user's input is handled directly by the application itself and is associated with a specific data file (compare to "note retrieval module for retrieving and displaying said captured note with a display screen of said three-dimensional model, that existed when the note was generated, using said associated data file").

In reference to dependent claim 2, Kumar teaches:

The user provides conditions to determine what mode the user chooses to work in. Each participant can work with the annotation layer or the workplace, depending on the choice of his or her mode. The choice may be the participant's alone, or it may depend on other participants. See column 10, lines 25-45. The reference suggests a query condition provided to determine a mode and associating the drawing with this specific mode.

In reference to dependent claim 3, Kumar teaches:

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A user will be engaged in discussing the shared workspace data with others. This will involve viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or *writing some annotating text over some portion* of the work space. See column 3, lines 60-67.

In reference to dependent claim 4, Kumar teaches:

The invention provides a mechanism for a consistent, real time collaboration environment in which any type of data can be shared in a common workspace. Users connected to the system and engage in a collaborative session sharing a common workspace that is presented via each user's computer connected through a network. See column 3, lines 40-55.

In reference to independent claim 5, Kumar teaches:

The data in the shared work space can be anything; e.g., a spreadsheet, an image, a simple text file, a text document, a drawing, a project schedule, a three dimensional view, or any custom data (compare to "*a note creation module which captures an electronic note associated with a change in a three dimensional model of said CAD application*"). See column 3, lines 45-50. The workspace taught by Kumar provides a reasonable suggestion of a creation module, which captures various forms of data for display to multiple users in a collaborative environment. When the user is in edit mode, a change made to a three dimensional figure in a collaborative environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

Collaborative environment provides the suggestion of a note associated with a three-dimensional model. The change is captured and shared in a workspace for others to observe.

The reference does not explicitly disclose a CAD application; however, the three-dimensional view and the drawings that are provided as examples by the primary reference, suggest similar features of CAD applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collaborative techniques taught by Kumar and utilized the three-dimensional views to provide CAD applications within the view for modifications and giving the user the added benefit of CAD design tools.

After entering the edit mode, the user's input is handled directly by the application itself. Upon pressing an appropriate icon, the depressing suggests a retrieval mode as the user's input is handled directly by the application itself and is associated with a specific data file (compare to "note retrieval module for retrieving and displaying said captured note with a display screen of said three-dimensional model, that existed when the note was generated, using said associated data file").

In reference to dependent claim 6, Kumar teaches:

The input layer tags the modification by their mode by discussion, input layer related modifications by control and then sends the modifications in sequence order over a communication means to the serializing mechanism for the collaboration session. See column 9, lines 13-20.

In reference to dependent claim 7, Kumar teaches:

The user provides conditions to determine what mode the user chooses to work in. Each participant can work with the annotation layer or the workplace, depending on the choice of his or her mode. The choice may be the participant's alone, or it may depend on other participants.

See column 10, lines 25-45. The reference suggests a query condition provided to determine a mode and associating the drawing with this specific mode.

In reference to dependent claim 8, Kumar teaches:

A user will be engaged in discussing the shared workspace data with others. This will involve viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or *writing some annotating text over some portion* of the work space. See column 3, lines 60-67.

In reference to dependent claim 9, Kumar teaches:

The invention provides a mechanism for a consistent, real time collaboration environment in which any type of data can be shared in a common workspace. Users connected to the system and engage in a collaborative session sharing a common workspace that is presented via each user's computer connected through a network. See column 3, lines 40-55.

In reference to dependent claim 10, Kumar teaches:

Viewing different parts of the work space, pointing to some part of the work space, marking over a portion using a pen or some other drawing tool, or writing some annotating text over some portion of the work space. See column 4, lines 1-5.

In reference to dependent claim 11, Kumar teaches:

A participant in a collaborative session will be engaged at any time in one of multiple distinct modes of activity as related to the shared workspace. See column 3, lines 60-63.

In reference to dependent claim 12, the control modification can change the available options on the display bar of the input layer. The control modifications can change and/or restrict the modes

available to any client. The authority to make and send such control modifications may be vested in a subset of collaboration participants. See column 9, lines 5-17.

In reference to claims 13-20, the claims reflect the system comprising computer readable instructions used for performing the methods as claimed in claims 1-12, respectively, and in further view of the following, is rejected along the same rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Varma et al., USPN 6,564,246 filed (2/2/99)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
June 22, 2004


STEPHEN S. HONG
PRIMARY EXAMINER